

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Robert J. Boston
Debtor(s)

Bankruptcy Case No.: 17-24886-TPA
Per February 5, 2018 proceeding
Chapter: 13
Docket No.: 35 – 21
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 28, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: County of Allegheny (Claim No. 8) Kennedy Twp (Claim No. 10 and 9); Montour SD (Claim No. 11) .
- ☒ H. Additional Terms: The secured claim of the following creditor shall govern as to claim amount, to be paid at 4% over 60 months in Sec. 3.3 of plan: Regional Acceptance (Claim No. 12)

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: February 12, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Robert J. Boston
 Debtor

Case No. 17-24886-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 49

Date Rcvd: Feb 12, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 14, 2018.

db +Robert J. Boston, 22 Phillips Avenue, Coraopolis, PA 15108-3744
 cr +County of Allegheny, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101
 cr +Montour School District, Goehring, Rutter & Boehm, 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh, PA 15219-6101
 cr +Township of Kennedy, 437 Grant Street, 14th Floor, Frick Building, Frick Building,
 Pittsburgh, PA 15219, UNITED STATES 15219-6101
 14739476 +American Express Centurion Bank, POB 3001, Malvern, PA 19355-0701
 14755501 American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 14739477 #+Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012
 14739478 +Bank One Delaware, POB 100018, Kennesaw, GA 30156-9204
 14739479 +Barclays Bank Delaware, 100 S West St, Wilmington, DE 19801-5015
 14739487 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Home Depot, POB 9025, Des Moines, IA 50368)
 14739480 +Capital One, Attn: General Correspondence/Bankruptcy, Po Box 30285,
 Salt Lake City, UT 84130-0285
 14752054 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14739482 Citizens Bank of Pennsylvania, Riverside, RI 02915
 14762777 +County of Allegheny, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14757185 +Drs. Gruendel, Eans & Boles, 3506 Fifth Avenue, Pittsburgh, PA 15213-3310
 14739486 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit, National Bankruptcy Service Center,
 Po Box 62180, Colorado Springs, CO 80962)
 14739485 +First Data, 5565 Glenridge, Connector NE Ste 2000, Atlanta, GA 30342-1335
 14739488 +Household Bank Corporation, c/o eCast Settlement, POB 35480, Newark, NJ 07193-5480
 14739489 Household Bank SB, eCast Settlement c/o Bass & Associates,
 3969 East Fort Lowell Rd. Ste 200, Tucson, AZ 85712
 14739490 +JP Morgan Chase Bank, Po Box 24696, Columbus, OH 43224-0696
 14739493 +MBNA American Bank, c/o eCAST Settlement Corp., PO Box 35480, Newark, NJ 07193-5480
 14762779 +Montour School District, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14739495 +Nationstar Mortgage LLC, Attn: Bankruptcy, 8950 Cypress Waters Blvd,
 Coppell, TX 75019-4620
 14739496 +New Hampshire Higher Ed/Granite State Mg, Attn: Bnakruptcy, 4 Barrell Court,
 Concord, NH 03301-8543
 14739504 +Target National Bank, 3901 West 53rd Street, Sioux Falls, SD 57106-4221
 14762778 +Township of Kennedy, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14760502 +U.S. Department of HUD, 451 7th Street S.W., Washington, DC 20410-0001
 14739505 +US Dept of Education, Attn: Bankruptcy, Po Box 16448, Saint Paul, MN 55116-0448
 14739507 +Werrin Gruendel Boles & Eans Dentistry, 3506 5th Avenue, Pittsburgh, PA 15213-3310
 14739508 #+Xchange Leasing, POB 122954, Fort Worth, TX 76121-2954

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14739481 +E-mail/Text: bankruptcy@cavps.com Feb 13 2018 01:52:06 Cavalry Portfolio Services,
 Attn: Bankruptcy Department, 500 Summit Lake Ste 400, Valhalla, NY 10595-2322
 14741673 +E-mail/Text: bankruptcy@cavps.com Feb 13 2018 01:52:06 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 14739484 E-mail/Text: mrdiscen@discover.com Feb 13 2018 01:51:16 Discover Bank, POB 8003,
 Hilliard, OH 43026
 14739483 +E-mail/Text: electronicbkydocs@nelnet.net Feb 13 2018 01:51:56 Dept Of Ed/582/nelnet,
 Attn: Claims/Bankruptcy, Po Box 82505, Lincoln, NE 68501-2505
 14739491 +E-mail/PDF: resurgentbknofications@resurgent.com Feb 13 2018 01:57:07 LVNV Funding,
 c/o Resugent Capital Services, POB 10675, Greenville, SC 29603-0675
 14739492 +E-mail/PDF: resurgentbknofications@resurgent.com Feb 13 2018 01:57:18 LVNV Funding, LLC,
 c/o Resugent Capital Services, POB 10587, Greenville, SC 29603-0587
 14739494 +E-mail/Text: bknotice@ncmlc.com Feb 13 2018 01:52:00 National Capital Management,
 8245 Tournament Drive, Memphis, TN 38125-8898
 14739497 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 13 2018 02:03:13
 Portfolio Recovery Associates, POB 41067, Norfolk, VA 23541
 14740040 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 13 2018 02:03:00
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14753806 E-mail/Text: bnc-quantum@quantum3group.com Feb 13 2018 01:51:31
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14739498 +E-mail/PDF: RACBANKRUPTCY@BBANDT.COM Feb 13 2018 01:57:30 Regional Acceptance Corporation,
 1424 East Tower Road, Greenville, NC 27858-4105
 14762790 E-mail/PDF: RACBANKRUPTCY@BBANDT.COM Feb 13 2018 01:57:30 Regional Acceptance Corporation,
 PO Box 1847, Wilson, NC 27894-1847
 14739499 +E-mail/PDF: resurgentbknofications@resurgent.com Feb 13 2018 01:57:06
 Resurgent Capital Services, POB 10587, Greenville, SC 29603-0587
 14739500 +E-mail/PDF: gecsed@recoverycorp.com Feb 13 2018 01:44:55 Synchrony Bank/Amazon,
 Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060

District/off: 0315-2

User: lmar
Form ID: 149

Page 2 of 2
Total Noticed: 49

Date Rcvd: Feb 12, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14739501	+E-mail/PDF: gecsed@recoverycorp.com Feb 13 2018 01:44:26	Synchrony Bank/Care Credit,
	Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060	
14739502	+E-mail/PDF: gecsed@recoverycorp.com Feb 13 2018 01:43:59	Synchrony Bank/PayPal Cr,
	Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060	
14739503	+E-mail/PDF: gecsed@recoverycorp.com Feb 13 2018 01:43:59	Synchrony Bank/Sams,
	Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060	
14739506	+E-mail/Text: bankruptcydepartment@tsico.com Feb 13 2018 01:52:19	Transworld Systems, Inc.,
	9525 Sweet Valley Drive, Valley View, OH 44125-4237	
14755267	+E-mail/Text: electronicbkydocs@nelnet.net Feb 13 2018 01:51:56	
	U.S. Department of Education C/O Nelnet, 121 South 13th Street, Suite 201,	
	Lincoln, NE 68508-1911	

TOTAL: 19

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr	Nationstar Mortgage LLC d/b/a Mr. Cooper
cr*	+PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 14, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 12, 2018 at the address(es) listed below:

Gary William Short	on behalf of Debtor Robert J. Boston	garyshortlegal@gmail.com,
gwsshort@verizon.net		
James Warmbrodt	on behalf of Creditor	Nationstar Mortgage LLC d/b/a Mr. Cooper
bkggroup@kmlawgroup.com		
Jeffrey R. Hunt	on behalf of Creditor	Montour School District jhunt@grblaw.com,
cnoroski@grblaw.com		
Jeffrey R. Hunt	on behalf of Creditor	Township of Kennedy jhunt@grblaw.com,
cnoroski@grblaw.com		
Jeffrey R. Hunt	on behalf of Creditor	County of Allegheny jhunt@grblaw.com,
cnoroski@grblaw.com		
Office of the United States Trustee	ustpregrion03.pi.ecf@usdoj.gov	
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com	

TOTAL: 7